

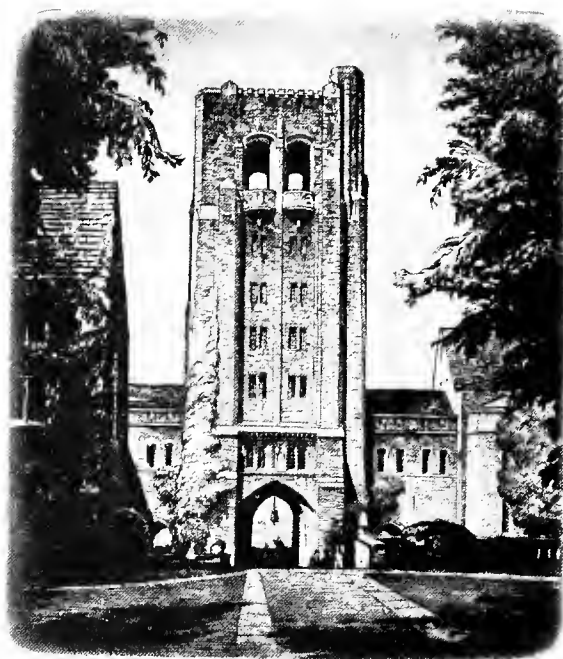
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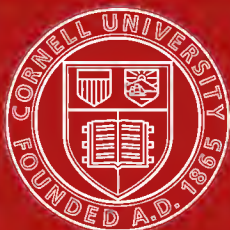
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CONSTITUTION,
BY-LAWS,
ROLL OF MEMBERS,
AND
PROCEEDINGS
OF THE
California
Bar Association

At its Meeting
Held in San Francisco, California
November eleventh
Nineteen Hundred Nine.

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California:



CONSTITUTION, BY-LAWS

AND

PROCEEDINGS

OF THE

California Bar Association

AT ITS MEETING HELD IN SAN FRANCISCO, CALIFORNIA,
NOVEMBER 10, 1909.

B31929

The Recorder Printing and Publishing Co.
130 McAllister Street.



California Bar Association

1909-1910

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San Francisco

Vice-President, First District

M. K. HARRIS
Fresno

Vice-President, Second District

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Los Angeles

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San Francisco

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Alpine—O. K. Grau.	Nevada—Fred Searls.
Amador—A. Caminetti.	Placer—John M. Fulweiler.
Butte—A. F. Jones.	Sacramento—L. T. Hatfield.
Calaveras—James Keith.	San Francisco—Wm. Denman.
El Dorado—C. H. Swisler.	San Joaquin—F. D. Nicol.
Fresno—Frank H. Short.	San Mateo—Geo. C. Ross.
Glenn—Claude F. Purkitt.	Santa Clara—Victor A. Scheller.
Imperial—Geo. H. P. Shaw.	Santa Cruz—H. C. Wyckoff.
Los Angeles—James H. Shankland.	Tehama—J. J. Wells.
Madera—Francis A. Fee.	Tuolumne—E. W. Holland.
Merced—J. W. Knox.	Ventura—W. H. Barnes.

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PROCEEDINGS.

Pursuant to call, lawyers from different parts of California assembled in the Red Room of the St. Francis Hotel, San Francisco, on Wednesday, November 10, 1909. Mr. Emil Pohli of San Francisco, called the meeting to order and addressed the delegates as follows:

MR. EMIL POHLI, of San Francisco—Fellow delegates to the proposed State Bar Association: As chairman of the section of the local Bar Association which has had in charge the preliminary work leading up to this meeting, I have been called upon to open this meeting, which I now proceed to do with a due sense of appreciation of the honor and privilege accorded to me.

I do not suppose that after last night's preliminary meeting it is necessary to add anything further in the way of a welcome to you on behalf of the San Francisco Bar Association. Neither will it be necessary for me to say much in regard to the purposes and objects for which we have all met today. I think they are pretty well understood by every delegate here, and I think every delegate present has come here with the sincere intention and the earnest purpose to carry out, if possible, or to do all he can to carry out, the objects for which we have met.

I might, however, call your attention to one or two things before calling for temporary organization, which I think are extremely important in this meeting. I consider this, the first meeting of the proposed State Bar Association of California, the most important one that it is likely to have in its history. For, as we build today, so we will be able to work in the future. The foundation which we lay today will be the foundation for the success or failure of the organization.

Within the last few months, when I have been doing some propaganda work toward this meeting, I have found that in a great many of the outlying counties there is a feeling or attitude of distrust toward this proposed movement. That has arisen largely from the fact that, as probably most of you know, in the past there have been two attempts made to form a State organization, both of which have proved abortive, the last organization becoming practically the personal chattel of a few men who, so the impression has been, attempted to use it for their private gain and for their private advantage. Therefore, as a leading lawyer in one of the outlying counties said to me, "Mr. Pohli, we are not going to send any delegates to that meeting. We are going to stay at home. We are going to see what you are going to do. We are going to see what plan of organization you submit to the bar of the State, what men you put at the helm to carry out that organization, and if the work that you do at your first meeting is an earnest of your sincere intention to do something to put the bar of this State properly before the people, we will join you most enthusiastically."

We have, out of the fifty-six counties of the State, delegates from twenty-six or twenty-seven counties. It will therefore be extremely important, gentlemen, to form an organization along lines simple but effective, which will, right from their very inception—on their face—show that this is going to be an organization for the whole State, that it will not give room for the preponderance of any particular section of the State, that it will not give room for the control of the organization by any clique or set of men, but that it will be an organization which has sincerely and honestly an intention to do the best for the whole State of California.

The second point that I want to call to your attention is this: the constitution and laws which you may adopt may be ever so good, but if they have not men behind them who are earnestly striving to carry them out, the man behind the gun, the lawyer behind the constitution, they will be of no avail.

Therefore, Gentlemen, in the selection of the men who are to lead your movement in the next year, you ought to be extremely careful. You ought to select men who stand high in our noble profession, men whose very names will be a guaranty to the scoffer on the outside and on the inside of our profession, that the promises which we make today, the pledges which we make to the profession and to the State, will be carried out to the letter, and if they cannot be carried out to the letter, that the men we put at the helm will at least try to carry them out, for it is better to strive than to do nothing at all.

I now call for motions for temporary organization.

MR. LYNN HELM, of Los Angeles: Mr. Chairman, I have the pleasure at this time of nominating the Honorable Curtis H. Lindley for temporary chairman of this Association. I know when I suggest his name there will be no mistrust on the part of any of the delegates at this convention, and certainly there can be none from any of the other lawyers of the State who may subsequently join this Association. It will be a good start to have Mr. Lindley as temporary chairman of this meeting.

MR. FRANK H. SHORT, of Fresno: Mr. Chairman, I wish to second the nomination of Judge Lindley, and I know we will all feel in selecting him as temporary chairman, his standing, his eminence in the profession, is such, that it will remove any possible suggestion that any office in this Association is used as a stepping-stone to professional success, because the judge is already there.

MR. J. J. WELLS, of Tehama, seconded the nomination of Judge Lindley.

MR. POHL: Gentlemen, do I hear any other nominations? If not, I declare the nominations closed. If there is no objection, Judge Lindley will now take the chair. Gentlemen, Judge Lindley, who needs no introduction at my hands. (Applause.)

TEMPORARY CHAIRMAN LINDLEY: Gentlemen, I thank you sincerely for the compliment and honor bestowed upon me in asking me to temporarily preside over the deliberations of this gathering. I have so frequently expressed to you gentlemen here, personally and by communication, the objects and desires of the membership of the constituent organization that I humbly represent, that this venture might prove a solid and substantial success, that I do not need to expatiate upon it at this time. We had last evening at the

banquet a discussion from different viewpoints of what work there is before us, and I apprehend that, as you gentlemen are many of you here from long distances, we should at once get down to business, and for that reason I will not address you further at this time.

I have in my pocket a tentative roll call of the delegates which have been accredited to this meeting or convention. So far as we have been able to receive notifications and responses, this list is complete. Perhaps it might be well, before proceeding further with a roll call, to have the convention select a temporary secretary. The chair awaits the pleasure of the convention in that behalf.

Mr. Grant H. Smith, of San Francisco, placed in nomination Mr. T. W. Robinson, of Los Angeles, which nomination was duly seconded, and, no other nominations being made, Mr. Robinson was declared elected as temporary secretary, and assumed his duties as such.

THE TEMPORARY CHAIRMAN: The suggestion emanating from the chair that possibly the roll call of all the counties might be had profitably, and the list of delegates checked up, is made for the purpose of ascertaining whether or not there are any delegates or any associations in attendance here who have not reported to the secretary of the organization committee. I will, therefore, ask the secretary to read the list of delegates as named in the roll call. We will then have a knowledge of who are represented and who are not. As the names are read, if there are any mistakes, they may be noted, while if the delegation is properly scheduled, there will be no necessity for any comments.

The secretary thereupon called the roll, and the following delegates were found to be in attendance:

DELEGATES TO ORGANIZATION MEETING, CALIFORNIA BAR ASSOCIATION.

Counties.

Delegates.

ALAMEDA—Wm. R. Davis, Geo. W. Reed, R. M. Fitzgerald, M. C. Chapman.

ALPINE—O. K. Grau.

AMADOR—John F. Davis, E. B. D. Spagnoli, W. J. McGee.

BUTTE—A. F. Jones, Guy R. Kennedy.

CALAVERAS—James Keith, William A. Dower.

EL DORADO—C. H. Swisler.

FRESNO—M. K. Harris, Geo. E. Church, Frank H. Short.

GLENN—Claude F. Purkitt.

IMPERIAL—Geo. H. P. Shaw.

LOS ANGELES—Lynn Helm, William J. Hunsaker, J. A. Gibson, J. H. Shankland, Walter S. Wright, Thos. W. Robinson, Wheaton A. Gray, Walter Leeds, Gurney Newlin, R. J. Dillon, Oscar Mueller, Oscar F. Trippett.

MADERA—Francis A. Fee, R. E. Rhodes.

MERCED—J. K. Law, J. W. Knox.

MONO—J. D. Murphy.

MONTEREY—Frederick P. Feliz.

NEVADA—Fred Searls, T. S. Ford.

PLACER—John M. Fulweiler, B. P. Tabor, W. B. Lardner.

SACRAMENTO—L. T. Hatfield, R. A. Waring.

SAN FRANCISCO—Warren Olney, Jr., William Denman, Chas. S. Wheeler, Jesse W. Lillienthal, O. K. Cushing, Edward A. Belcher, Emil Pohli, Grant H. Smith, Curtis H. Lindley.
SAN JOAQUIN—A. H. Ashley, T. S. Louttit.
SAN MATEO—Geo. C. Ross.
SANTA CLARA—S. G. Tompkins, Victor A. Scheller, H. C. Jones.
SANTA CRUZ—H. C. Wyckoff, H. A. Van C. Torchiana.
SHASTA—Thomas B. Dozier.
STANISLAUS—W. H. Hatton, J. W. Hawkins.
TEHAMA—W. P. Johnson, J. J. Wells.
TUOLUMNE—G. W. Nicol, F. W. Street.
VENTURA—R. M. Clarke.

MR. J. A. GIBSON, of Los Angeles: Mr. Chairman, I now move that a committee of seven, of which committee the chair shall be a member, be appointed to report a constitution and by-laws for this organization. And, as a draft has been prepared and has been examined by several of the delegations, such committee could probably report in one hour. It would, of course, facilitate the adoption of a constitution and by-laws to have those instruments reported to the committee, so that it could act upon them as a basis, as there seems to be a divergence of opinion now as to certain measures in the proposed constitution and by-laws.

The motion was seconded by Mr. Jesse W. Lillienthal, of San Francisco, and unanimously carried.

Upon motion of Mr. Gibson, duly seconded, the temporary officers of the convention were at this point elected as the permanent officers of the meeting.

The chairman thereupon appointed as the committee to report a constitution and by-laws, the following:

James A. Gibson, of Los Angeles;
Grant H. Smith, of San Francisco;
John F. Davis, of Amador;
M. K. Harris, of Fresno;
Fred Searls, of Nevada;
G. W. Nicol, of Tuolumne, and
J. K. Law, of Merced;
Curtis H. Lindley, the chairman, acting under the motion.

MR. R. M. CLARKE, of Ventura: Mr. Chairman, as this committee just appointed by you will undoubtedly recommend a constitution providing for officers, it seems to me the business of the meeting might be facilitated by the appointment of a nominating committee to nominate the officers suggested by the constitution and by-laws, that committee to report in conjunction with the committee on constitution and by-laws.

THE CHAIRMAN: The chair, as a rule, ought not to debate questions or make suggestions, but I have a profound conviction that the presiding officer of a gathering ought not to appoint a nominating committee. It is a feature in many of the civic organizations with which I have been familiar that that has been the cause of serious complaints, having especial reference to the perpetuation of an administration, and I trust that when this Association deliberates upon that question in its constitution and by-laws, it will provide some

method which does not give the control of the appointment of a nominating committee to the presiding officer. I would like very much to have the gentleman from Ventura consider that suggestion and modify his motion to the extent of changing the method.

MR. CLARKE: I do not insist upon it at all, Mr. Chairman. It merely seemed to me that it would facilitate the business of this meeting only. I know of no other way in which the committee might be appointed than by the chair, unless we constitute ourselves a committee of the whole for the naming of that committee.

MR. HELM: I move that we postpone action referring to a nominating committee until after the adoption of the constitution, because that may provide a way by which this nominating committee may be appointed. I believe there is such a paragraph in the constitution or by-laws that have been tentatively suggested and discussed.

MR. WELLS: I recall, Mr. Chairman, that in the proposed draft of constitution and by-laws there is a paragraph which says that an ellisor should be elected. But it seems to me that for this occasion there is no danger of such a perpetuation of officers being the result, and that it would be eminently fitting and proper for the chair to appoint such a committee for this occasion, and then when the constitution has been adopted, if it provides another way for future meetings, it will be well. I think the chair might very properly nominate such a committee at this time.

A DELEGATE: Mr. Chairman, I agree with the gentleman who has just spoken. Perhaps as a permanent feature of our organization it would not be well for the chairman to continually appoint a nominating committee. But we have met here for the first time. As a rule, the delegates here are strangers to the others. I think it would be much better for a nominating committee to consider the matter carefully and suggest names to this Association of those who might act as officers for the first term, men who could and would give the necessary time to the work, and men whose names would carry weight throughout the State. I think to start off well, it would be better to have the names suggested by a nominating committee than to have them selected haphazard. But I see no reason why the chair should not appoint that committee.

MR. JOHN M. FULWELLER, of Placer: Mr. Chairman, it seems to me the suggestion as made by the gentleman is rather premature and ineffective, for this reason: As I understand, there are some provisions in the constitution as proposed for the appointment of a nominating committee by some such rule to select the officers of this organization for the future. The moment that constitution is adopted it is the law that governs this body, and no matter what particular nominating committee you might appoint now, they are defunct when that organic law is adopted, and as their duties must be discharged under the constitution and not under the action of this convention, it seems to me that the appointment of a nominating committee as suggested by these gentlemen is a futile thing.

THE CHAIRMAN: Of course, the constitution might provide that that method of selecting officers would only obtain after the organization meeting. That might be possible. But there is another difficulty which occurs to me as we pass along. We do not now know just what offices we shall have to fill by election.

MR. JOHN F. DAVIS, of Amador: I think perhaps the easiest way to conclude this matter is to raise the point of order that the motion is out of order.

THE CHAIRMAN: The chair rules against a point of order of the character, for the reason that this is a deliberative body and is not bound by any constitution, and can do pretty much as it pleases at the present time.

MR. C. H. SWISLER, of El Dorado: The chairman has stated that experience in other associations has shown that the appointment of nominating committees by the chair might result in the perpetuation of officers in office. I do not know that this could by any possibility amount to a continuance of an administration. However, it seems to me that the motion is premature. We do not know until a constitution is adopted what officers will be provided for, and that instrument, when adopted, will probably provide the manner for making nominations, the manner of electing, and so on. As Judge Fulweiler says, that becomes the governing instrument of this organization, and it constitutes the rules to which we conform. So I think it would be better to postpone this matter until after we have effected an organization. As yet we have not even decided that we will form such an organization. Possibly it might be well enough before we leave this morning to adopt some expression to the effect that it is the sense of this body that we do effect a State organization. At any rate, nothing has been done as yet, and it is all in the air.

Mr. W. S. Wright, of Los Angeles, moved that the meeting adjourn until 1 o'clock P. M. The motion was seconded by Mr. Swisler.

THE CHAIRMAN: Before putting the motion to adjourn, which is not debatable, I desire to say a word to the delegates assembled here with regard to an instrument that has been referred to by some of the gentlemen. Some of the good people of our Association spent some little time in examining constitutions and by-laws of other organizations, among them of the Medical Association, which is said to have an ideal organization, and that of the American Bar Association, together with certain amendments that have been very strongly urged at the last two sessions of the National Bar Association, and also the constitution and by-laws of the City Club of the city of Chicago, and that of the Commonwealth Club of the city of San Francisco, and something like a dozen or more constitutions of other State organizations, forming what I think the gentlemen who are responsible for the document would call a sort of eclectic system, applicable to the institutions of California. This instrument was typewritten and sent out to a large number of the delegates whose names were submitted to the secretary in time to send such an instrument out, with the suggestion that it was merely a tentative basis of discussion, that it was not any man's plan, that it did not purport to be the embodiment of all parliamentary wisdom, and that it was simply sent out with the hope that it would be utilized purely as a basis of discussion, and that it would be rigidly criticized and amended, if the exigencies seemed to the individual members to demand it. There are many delegates present here who have not seen that instrument, but I am quite anxious to disabuse, if possible, the minds of some gentlemen here who might think that this instrument may have been conceived in iniquity

and for some specific and ulterior purpose. We have distributed the proposed document as widely as it is possible, considering especially the slowness with which some of the constituent associations have responded to the appeal for delegates. That it is not in the hands of every delegation here is due largely to the fact that we did not know who were coming. With this brief statement, I will proceed to the motion.

MR. J. K. LAW, of Merced: Mr. Chairman, if I may be permitted, I desire to make the statement at this time that in the year 1890 there was formed a State Bar Association, Judge Thomas B. Stoney, a distinguished member of the Bar Association of San Francisco, being President, and Mr. Charles J. Swift, Secretary, and, over my protest, I was elected Treasurer. Subsequently Judge Stoney passed away, and Mr. Swift went East, and I find in my possession at this time that I have collected as Treasurer of that organization, which I suppose is now defunct, \$390, while I have paid out \$162.60. I have in my possession, therefore, credited to "J. K. Law, Treasurer of the California State Bar Association", in one of our local banks, the sum of \$227.40. If this organization can show that it is the survivor, the successor, or the heir-at-law of that organization, I am ready to turn over the funds.

THE CHAIRMAN: The statement of Judge Law calls to my memory another late lamented deceased organization. It became necessary to apply to the Secretary of State to ascertain, for the purposes of the name of this Association, whether the other organization was or was not defunct. The Secretary of State informed me that the records of his office showed that the charter was still alive and had not been forfeited. This morning I received a telephone message from Mr. Comegys, the former secretary of that association, wherein he tendered us all the assets and charter of the institution, and said that he would see it was properly transferred to us, if we desired to accept the same name. So we are about to receive two legacies, one of some potential value and the other possibly not so potential. Before putting the motion to vote, I will state that the committee appointed on constitution and by-laws will assemble immediately upon the adjournment of this meeting.

The convention thereupon adjourned until 1 o'clock p. m.

AFTERNOON SESSION

The convention was called to order at 1:30 o'clock p. m. by Chairman Curtis H. Lindley.

THE CHAIRMAN: Before proceeding with the business of the meeting, I wish to invite the attention of the members to the publication of "The Recorder," of San Francisco, which contains the proceedings of the banquet of last evening, and one of the addresses, and that each day following it will contain an address until all have been published. These will be distributed to the members while they are present. I also invite your attention to one of the back pages of the issue, where there is an entire list of addresses of the members of the bar in San Francisco. And I wish to say this, in behalf of the Bar Association of San Francisco, as well as of ourselves, that all through this campaign for the organization of the State Bar we have had the cordial support of *the* lawyers' paper of San Francisco, and

we are under many obligations to that paper for many courtesies. We are now ready to receive the report of the committee on organization. Judge Gibson, will you report for the committee?

MR. JAMES A. GIBSON, of Los Angeles: Mr. Chairman and Gentlemen: Your committee on constitution and by-laws and organization have carefully considered the draft that was proposed, and have suggested various amendments to it, and I have been requested to read it. Such of you gentlemen as may have copies of the original draft may be able to follow me as I read.

(The report of the committee was then read to the convention in extenso.)

THE CHAIRMAN: Gentlemen, you have heard the report of the committee on organization. What is your pleasure?

MR. L. T. HATFIELD, of Sacramento: On the report as a whole, Mr. Chairman?

THE CHAIRMAN: The chair will entertain any motion as to what disposal the convention desires to make of the report. I suppose the proper motion would be that it be received and placed on file. If there are no objections, the report will be received and placed on file, and is now open for your consideration. What is your pleasure?

MR. GIBSON: I move that the constitution be adopted as read.

MR. DAVIS: I second the motion.

MR. HATFIELD: I would like to have the provision in regard to membership read. I understand you have eliminated all reference to honorary members and retained federal and other judiciary.

THE CHAIRMAN: I will read that provision for the information of the gentleman from Sacramento. I will read the entire article on membership. It reads as follows:

"MEMBERSHIP

"The members of the association shall consist of:

"1. Such members of county, city or city and county bar associations, hereinafter called 'Constituent Associations', as may be selected by such organizations, as hereinafter provided in Article III. Such members to be denominated delegate-members.

"2. All members of the Bar of the State of California in good standing, including judges of the State courts of record and judges of the Federal courts sitting in this State, who shall have been elected to membership as provided in the by-laws. Such members shall be denominated members-at-large, and to pay such dues as may be prescribed by the by-laws."

MR. HATFIELD: I understand that as it stood originally, honorary members were not entitled to vote or to hold office upon any active committee. That was the fact, was it not?

THE CHAIRMAN: Yes.

MR. HATFIELD: I desire to move an amendment to that particular paragraph, that those who are judges, while they are in office, shall be ineligible to hold any office in this association or to be upon any committee.

THE CHAIRMAN: I understaud the motion of the gentleman from Sacramento to be this: That while the incumbents of judicial offices, both State and Federal, within the State of California, are eligible to membership, with all the privileges of debate and voting, that there should be a provision to the effect that they should not hold office or

serve upon any standing or special committee of the association while they are in office. Is there any second to the amendment?

MR. WILLIAM J. HUNSAKER, of Los Angeles: I second the motion. (The motion was put and unanimously carried.)

THE CHAIRMAN: The section will be so amended. Will you have the kindness, Mr. Hatfield, to phrase that amendment and pass it up to the secretary's desk, and before we pass it?

MR. HATFIELD: Yes. As I have now written it, it reads:

Provided, that no incumbent of the bench shall be elected to an office in this association, or be qualified to serve upon any of the sections or standing committees.

THE CHAIRMAN: That will stand as the amendment as adopted.

MR. J. J. WELLS: Mr. Chairman, are you ready for further amendments?

THE CHAIRMAN: Yes.

MR. WELLS: I move you as an amendment to the section relating to members, where it reads, "delegates from constituent associations and other individuals," that it be confined to "other individuals in cities, cities and counties, or counties, which have no local bar associations."

MR. DENMAN, of San Francisco: I second the motion.

THE CHAIRMAN: Let me see if I understand the motion. The constitution as presented provides for two classes of members, members of the constituent associations elected by those associations and members-at-large, who are members of the bar, not necessarily members of the constituent associations, or who may be members of the associations. In other words, a constituent association sending a list of delegates of three, if you please, may have a constituency that may become members of the association and enjoy the same privileges as delegate-members. The motion of the gentleman from Tehama is to limit what we call the delegates-at-large to counties where there are no local bar associations, and to prevent the sending of delegates-at-large or members-at-large to participate in voting from those counties where there is a constituent organization. Is that the correct interpretation of your motion?

MR. WELLS: That is correct, Mr. Chairman.

THE CHAIRMAN: In other words, there would be members-at-large, but they are to be limited to counties that have no bar association.

MR. WELLS: Correct, Mr. Chairman. Now, just a word on that. I personally have no fear of the domination of this association by any city, by any community. But I know that there is a great deal of fear on the part of many country lawyers, as was expressed this morning, by some one on the floor, that the organization might be dominated entirely by the city where it might meet, that if a number of the lawyers in that particular city should make up their minds to put through some particular program, it could be easily done, through the plan as proposed by the report as read, whereas, if individuals could not become members of this association except by virtue of being elected as delegates from the constituent associations, the city where the organization might meet could not in that way, by having a large number of members elected from that city, dominate the entire proceedings. It would be purely a representative body, whereas as proposed by the committee supporting this proposed constitution, it would partake of two characters, both repre-

sentative and individual members. I think for the good of the association, in the long run, it would be well to adopt the proposed amendment.

MR. H. C. WYCKOFF, of Santa Cruz: Coming from a country district myself, it seems to me that we should aim to make this organization at the beginning as strong in membership and in influence as we can make it, and that that result will be arrived at by letting any reputable member of the bar apply for membership and be elected.

MR. DENMAN: Mr. Chairman, I am not clear in my own mind exactly how the present plan is going to work with regard to passing upon proposed legislation, and of course that is the main function of this association, as I understand it. We would be something more than a police force, something more than a mere cleaner-up of the profession; we are to do something affirmative, and to get something before the people of the State that will in some way benefit us and change conditions that we now consider improper. I do not quite understand how we are to get the sense of the association in regard to proposed legislation.

MR. HATFIELD: I rise to a point of order. I don't think the gentleman is talking to the motion before the house.

MR. DENMAN: If the Chairman will pardon me, I think I can point out that it is pertinent to the motion. The motion before the house is for the purpose of determining the membership in the organization, and it has been stated by the President that the members have a vote on all of these matters, and I am now trying to discover through my question to the Chairman what the method of voting is to be that those members are to enjoy. The purpose of this organization is to reach men, and in determining the membership of the association, it is quite proper to find out what functions they are to exercise. When my question is answered, I desire to further discuss the question, if the information is as I expect it will be. Do I understand, Mr. President, that the members assembled at the annual meeting in San Francisco, say, which will necessarily consist of a majority of San Francisco lawyers, have the power of recommending legislation?

THE CHAIRMAN: Under the proposed constitution, yes.

MR. DENMAN: At that annual meeting?

THE CHAIRMAN: Yes,

MR. DENMAN: If that be the case, it seems to me that we are running directly into the evil which was referred to from the chair this morning, that is to say, of arousing instead of alleviating the conception of the country attorneys, that the people in the large cities want to run things. It is perfectly apparent that if we in San Francisco wanted to do it, and if we did have any measure that was favorable to this city and not favorable to the country section, that we could fill up this annual meeting with members who would probably carry that through. I don't know that anybody has any desire to do that. I am certain I am the last person here to have such a desire. But it certainly is true that if we desired to do it, it could be done, and the fact that it could be done is going to make your wary country lawyer more unlikely to join the association. If it be true that the difficulty you have encountered in the preliminary steps of this organization has been to get those lawyers in, we

are simply going to feel it by the course that we here take. What is the objection to having our organization a representative body? Why should it not be made up of the delegates from the bar associations? Really it is the duty of every member of the bar, every reputable member of the bar, I will say, to join his local bar association. He ought to be in it, and I believe that our general State organization ought to lay that down as one of the conditions of membership in this association, that the members of the bar shall join the local bar associations if there are such to join in their locality. True, if there is not one, then he can come in under the method suggested by the amendment. I am opposed to the constitution as it now stands, and I am opposed to it as the result of my experience in the legislature, several sessions. I have found that whenever a measure was proposed by San Francisco or Los Angeles, that the country delegates have said, "Oh, you fellows that live in the cities make all the trouble we have here. You have not solved your problems of municipal life, and you come and throw upon us the burden of making a solution of them. We are tired of it." The consequence is that many of our measures that would be of benefit to us are defeated because the country legislator fears that the city legislator is trying to take a twist in the legislation, trying to alienate the city from the country and affect the interests of the country section. We want to bring the people together, and want to get together in a State organization on a relationship to the common people, that will make them think they and we are one, and that the problems of the city and the problems of the country are tied up together.

MR. WALTER S. WRIGHT, of Los Angeles: I think, Mr. Chairman, the gentleman who has just spoken is in error in this: the paper which is now before us, as reported from the committee, does not provide for recommendations upon legislation at the annual meeting.

MR. DENMAN: The President just so informed me.

MR. WRIGHT: I think it is referred to the membership upon a postal card vote.

MR. DENMAN: I put that question to the President, and my entire debate was based upon his answer. The delegates there assembled would have the right to vote and to recommend legislation to the legislature, as I understand him.

MR. WRIGHT: I think it is provided that it is referred to a committee.

MR. DENMAN: But after the committee has reported and the matter has come into the general assembly, as I understand it, the delegates present at the annual meeting have the right to vote there and decide whether or not the legislation shall be recommended. If it is true that the matter is to be decided by postal card vote, and no matters can be decided at the annual meeting, the situation is different. But my inquiry elicited a different answer, as I understood it.

THE CHAIRMAN: My understanding is, and if I am not correct, Judge Gibson will correct me, that a postal card vote or vote by United States mail is only an expedient devised for the purpose of obtaining the sense of the association when the association itself

is not in session. The association when in session, through its properly constituted membership, has entire control of the situation, and those present and qualified to sit as members of the association, will determine the policy of the association. Legislation, before being presented to the association, must go through the sections and the Executive Committee. Only in the event of an exigency arising which calls for action by the association between the time of the annual meetings, is the matter submitted to the legislative council. When the association has gathered and sections have reported, and the Executive Committee has turned in its proposed legislation, the matter is then up before the association for such action as it may deem proper. The difference between the plan as now proposed and the one that was tentatively suggested is simply this, that the question of all legislation and the control of the policy of the association was confided to delegate-members, the members-at-large not having any voting power. The committee carefully considered the pros and cons of that proposition, it being essential to consider not only the immediate necessities but the possibilities of future growth and the stability of the organization and its support and maintenance, and those and a great many other questions were debated and discussed, and after mature consideration the committee has reported as presented. The difference between the two propositions is this: Any member of the bar, although not a member of a constituent association, or any member of the bar of a county that has a constituent organization, may become a member of the State association and vote and have the same privileges of the floor at meetings of the association, as has a delegate-member—that under the report of the committee as presented; where, as proposed in the draft that went to the committee, delegates only from counties having bar associations could vote, other members having the privilege of the floor but not the privilege of voting. Is that a correct explanation of the matter, Judge Gibson?

MR. GIBSON: That is correct.

A DELEGATE: Does not this plan as embodied in the proposed amendment discourage the formation of constituent bar associations? Under the amendment, as I understand it, members can be elected, anybody can be elected a member of this association who comes from a county where there is no bar association. Counties that have no association will have the advantage. It seems to me that this plan would discourage the formation of bar associations in other counties. If it could be arranged so that members could be elected from counties, whether they have bar associations or not, but those members could not vote, if from where they had no bar associations, it seems to me that that would be better than the plan of the proposed amendment. This proposed amendment certainly would discourage the formation of county associations, and would give counties who have no association the advantage.

MR. R. A. WARING, of Sacramento: It seems to me, Mr. Chairman, that the tentative plan suggested here first ought to come before this assembly, and for that reason I now move as a substitute that the plan outlined in the tentative plan as presented to the committee for consideration be adopted, and that we go back to

that, making, however, one change: that there be one additional delegate for each fifty.

A DELEGATE: Read it, if you have it there.

MR. WARING: It reads as follows:

"CONSTITUENT ASSOCIATIONS:

"All county, city, and city and county bar associations in this state which have been or which hereafter may become organized, shall be entitled to representation in this association by delegates elected or appointed, as said constituent associations may determine. The basis of representation shall be three delegates, and one additional delegate for every forty members in excess of fifty. Delegates from the constituent associations, who shall be known as delegate-members, shall be elected or appointed at least thirty days prior to the convening of the association in annual meeting, and shall hold office for one year from the date of their election or appointment.

"Such delegates when assembled shall, with the officers elected or appointed, constitute the association, and shall consider and determine all matters of policy and administration other than those specially confided to the legislative council, sections and standing committees, as hereinafter provided."

I might read the next section in connection with that, because I think that ought to be added. That section reads:

"MEMBERS AT LARGE.

"Members of the bar of this State in good standing, when admitted to membership, as provided in the By-Laws, shall have the privilege of attending all meetings of this association, participating in debate, and being present on all occasions when the association is assembled for any purpose; but they shall have no vote in the meetings.

"They shall pay such dues as may be prescribed by the By-Laws."

It seems to me that that it a very good section, and those two sections together are much better than the scheme or plan offered by the committee. I would suggest, in this connection, that the members of the bench be merely members at large, that they have no vote on those matters, that the voting be entirely restricted to the representation of the different constituent associations and that encourages the formation of bar associations in the other counties. If members from outside counties where there are no bar associations wish to attend and address the meeting or bring up any proposition, they have the right to do so, and they may be present and be heard. It will encourage these members who are aggressive in that particular, if they find they are disfranchised by not having a bar association in their particular county, it will spur them on to do so, and half a dozen attorneys might form a bar association. In order to get representation here, I think that would be the result.

MR. WELLS: With the consent of my second, I will accept that substitute in lieu of the proposed amendment as I offered it.

MR. DENMAN: I accept it.

THE CHAIRMAN: The question is now on the adoption of the substitute.

MR. EDWARD A. BELCHER, of San Francisco: I wish to second the proposed substitute for the report, and to say that I think there is very great force in the suggestion made that it would be

quite possible, when the annual meetings of the association are held, especially in large cities, that there might be some invidious criticism made, even though there was no real trouble behind it all, by reason of the number of local members participating. It is very easy to escape that by taking away from the delegates other than those from the constituent associations the right to vote. Yet it is of the greatest consequence to the future life and usefulness of this association that there should be delegates-at-large. It may very well chance that where there are regular appointees from a constituent of this association, that there might be some other lawyer-member, possibly absent at the time of the making of appointments, who would be extremely useful to this association, and whom we shall very greatly desire to have with us. We could have him available without destroying his usefulness or encroaching upon any dangerous limit by giving him a vote. Therefore, I think to return to the original motion, that the power of the association shall be in the delegates from the constituent associations, is the better plan, and that the members-at-large shall have no vote.

MR. FULWEILER: If I understand this matter, it is to lead the bar of the State of California out of the salt marsh in which it has been sinking in the past, and to get our attention as members of the bar of this State that we may aid and assist in the enactment of legislation, so far as procedure and other matters are concerned, that will be for the benefit of the State of California, of the people of the State, and indirectly or inferentially for our own benefit. Such being the fact, I have thought over this matter with considerable care, and when it comes to this question of membership, I want to say this to you: We may have in a county, as we have in ours, a membership of twenty to thirty members of the bar. Our local bar association can only get the consent of a half dozen of them to become members of it. They may come down here and ask you gentlemen to elect them to this State Bar Association, and yet they do not represent the membership of our association, and in fact, if they applied for membership in our local bar association, they might be refused admission. Yet they come down here and possibly are admitted and take part in the deliberations of the general association of the State. I think if there is anything good in connection with this matter, we ought not to have any representation in our body here excepting of members of the bar association and those whom we might call honorary members. A man who is a lawyer and does not think enough of the profession, does not believe enough in the needs of our profession of the law to become a member of the local bar association of the community in which he lives, will not make a very good member of a State Bar Association. Personally, in connection with that matter, I do not think that we ought to have any members of this bar association excepting, it may be, the judges of the various courts, except such as are members of some local bar association or your San Francisco Bar Association. It may be, it is true, that the judgment of the Membership Committee may prevent undesirable attorneys from coming into your association. But I have thought over this matter in connection with that feature, and there are certainly some members of the bar of the State of California living outside of the city of San Francisco that I would not be very particular to take by the

hand and call a member of the association of which I am a member. It is on that particular view that I base my position, and I think that the matter should be strictly enforced. Beyond all that, in the course of time, I think our by-laws ought to be amended so as to prevent the coming in of a member outside of the local bar association in any event.

MR. GIBSON: In order that the plan of the constitution may be fairly understood, I will say for the Committee that we carefully considered the representative plan, that is to say, to make the organization a house of delegates, simply to act through representatives from the local bar associations. But after considering that matter carefully, we concluded that lawyers require a democratic organization, where every man qualified for membership and admitted to such would have a right, not only to express his view, but to influence the action of the body by his vote. And I take it from my observation over twenty years of the various bar associations of this State, of several of which I have been a member, that it would be very difficult to maintain an organization, a central organization, composed merely of representatives sent by the various local bodies. It is one of the most difficult things, as every gentleman present who has been a member of a bar association, probably outside of San Francisco, knows, to maintain a local organization. In Los Angeles it has taken us twelve or fifteen years to build the organization up to its present degree of efficiency. I do not know how it is in San Francisco, but that is the length of time it has taken us. Down in San Diego, they have a large and influential bar association, and we could not induce them to send a delegate to this meeting. The same way with the County of Riverside, and the same way with San Bernardino County, and I could name a number of counties in the same category. It was reported here this morning that Marin, just across the bay, has not sent delegates. It may have a bar association, and probably has. But if you start out here upon the theory and with the false hope that you are going to maintain a central organization composed of a mere house of delegates, I think you will find that at the end of the year you will have a disorganization rather than an organization, or that it will become of so little importance that nobody will attend. As it is now, by inviting all reputable members of the bar throughout the State to come in as members at large and participate in the discussions and influence the action by their vote, you hold out some inducement for them to become members. Every organization in the State may send its delegates, and thus exert its influence and increase the influence also and the representation of the members who may also be members of the same local body that is represented by delegates. That dual representation will not militate against its efficiency. But if you cut it down and make it a mere organization expressing the will of delegates of other constituted organizations, why, you will not get sufficient support, neither in membership nor in finance, to maintain a State organization for any length of time. It has been tried in various other organizations, and has not worked. There seems to be a fear here that, if the meeting is held in San Francisco, or at Oakland, or at Sacramento, or at Los Angeles, that the membership will be so increased in the particular locality where the meeting is held, that the Bar Association may be used for some ulterior pur-

pose. It has not been so with the American Bar Association, which has had an existence for over twenty-five years. I have attended, and various other members here have attended meetings in different States, where they would admit from one hundred to one hundred and fifty members at a session, and there never was an officer, so far as I know, and I know it to be true of the meetings I attended, from the locality where there was such a large influx of members, and there was no arbitrary action carried or taken on account of the increase of membership. Lawyers who come into this organization come, as they go into their local organizations, for the betterment of the profession, and I do not think that, as reasonable men here, we need fear any stampede on account of any increase in members from any particular locality. Is not an increase of members what we want? And I ask you this: Is there any member here, any living as far away as we do in Los Angeles, or as would a member from San Diego, or Siskiyou, or Butte County, any of those remote places, who will have any inducement to become a member of this Association and pay his five dollars a year and stand not only the expense but the loss of time to attend a meeting here, or at Sacramento, or at Los Angeles, or at Oakland, if he simply goes there to sit and participate in the discussion, and yet not be able to exert any influence in it? I think it is expecting too much, to expect anything of the kind. Every member of every bar association wants to have the right to get up on the floor and speak at the proper time and in the proper way to get his views before the house, and then record his vote, either for or against any given measure. And I do not believe you can get up an organization that will hold lawyers together or draw membership unless you give every lawyer in it that right. Those are the considerations, briefly stated, that influenced the committee to suggest this plan. There is nothing radically wrong about it. We meet both conditions. We say, let every constituent organization send in its membership. The larger the local membership the greater the representation. Also, let every lawyer who wants to come in and further the interests of the profession, come in and pay his dues and have the right to vote. Can any injury result from the carrying of a measure carried by the votes of a member or members not a delegate or delegates, but acting with delegates, perhaps? Certainly not. It is the vote of the Association that must carry any particular measure. You will find in the future Los Angeles sending twelve delegates, or fifteen, perhaps, and Oakland fifteen more, and you will have an organization of thirty or forty, or, at the most, only fifty, members who are entitled to vote, if the plan now proposed carries, and then have a hundred others sitting around, equally as well qualified to influence by their vote the policy of the Association—sitting by and seeing the thirty or forty or fifty vote the policy that they may think radically wrong, and as to which they could not in conscience subscribe to. Now, while I speak energetically on this matter, it is not a pet idea of mine. I am speaking for the committee. We thought it would be well to try the plan that we suggest by our report. It has been suggested that the medical profession have an organization that is one branch of it based upon representation, such as is planned in the original draft. On consultation with some, I have found that that is not satisfactory. It has led to the formation of cliques, whereby

they send up their delegates to the central organization, and the central organization is controlled through the delegates, and they have not been able to get in a sufficient membership to hold up the association in any material degree by depriving them of the right to vote, such as was originally suggested here, or suggested by the original draft of the constitution. It is a plan that has been tried by the medical profession, as I say, or at least one branch of it, and a very prominent branch, too, and has not been found to work satisfactorily except to those who were on the inside. As voiced by the gentleman who spoke first here this morning, we are met together for the purpose of devising some way or means to avoid the possibility of any set of men getting into power in this Association and controlling it, whereby the country delegate, or even the city delegate or city member, may think that he is not given the opportunity that he expects and desires to participate in the proceedings of the organization. How can you expect a large central organization to be maintained, for instance, for any length of time, from the financial standpoint, on a per capita tax levied on the members of a few local organizations, three or four, that may come into this central organization? Why, I can name to you now a half dozen bar associations regularly and duly organized, that have not sent delegates here, and it will take considerable persuasion to bring them here after you are organized, I do not care what plan you adopt. But it will be much more difficult to get those organizations to send in their representations if your per capita tax is so high on account of the limited membership. It certainly will be very much more advantageous finally to adopt the other plan. As I say, we are not wedded to any particular project. If there is any gentleman or number of gentlemen present who have anything better to advise than this dual plan now proposed, we are ready to hear it and discuss it. But I take the opportunity of trying to put the position of the committee before you, and that we have been actuated by a desire to found an organization here that will grow and attract representative members and general members. One of the gentlemen who has addressed you has voiced the sentiments of the country members, if they may be so termed. They do not want to be shut out. They have no organization in many places, and if they have no organization, let them come in and become members just the same as the members from the San Francisco Bar Association may become members, and as those from Oakland and from Los Angeles may. The more members we have in this association the better. If this plan is tried for once here, I venture to say that you will find that it will be an organization that will be influential and self-sustaining. No set of men can draft a set of by laws that will not be subject to amendment. If the plan should be adopted as proposed, and in one year it should be deemed necessary to amend it, why, amend it. But let us organize in a way that will show the bar of the State that we are trying to deal fairly by everybody in and out of the local organizations, especially so far as membership is concerned.

MR. FULWEILER: I understand that, under the constitution as proposed by the committee, the whole of the bar of San Francisco could become members?

MR. GIBSON: Yes.

MR. FULWEILER: And that Alameda and Los Angeles and San Diego?

MR. GIBSON: Yes.

MR. FULWEILER: Where would the balance of the State be when it comes to the vote?

THE CHAIRMAN: What was the question?

MR. FULWEILER: I would like to know where the balance of the State of California would be when it comes to a vote? That is the reason why I have spoken as I have here. That is the reason why the two former bar associations of this State went down. I was a member of each of them.

MR. GIBSON: I would say, in reply to Judge Fulweiler's question, that the majority governs in nearly every institution that I have ever had connection with. We are governed in our public affairs and in our civic organizations by the majority vote, and I do not see why an intelligent class, such as are the lawyers, or such as they are supposed to be, should not be governed by the majority rule. It is true that in certain instances we have suggested a two-thirds vote for the protection of the minority. But I can see no force to the suggestion that Los Angeles, or San Francisco, or Alameda, might, by sending its members to any meeting, control the action of the convention. It is true everywhere. It is true with the American Bar Association. That association met a year ago at Seattle. I did not see, and I say it without disparagement, any members of the San Francisco Bar Association there. There were a few members that went all the way from Los Angeles and attended that convention. There were about one hundred members admitted at the meeting held at Seattle, and why should they not have a right to vote the same as any other members? At St. Paul there were one hundred and fifty admitted. And so it has been, and so the plan has worked for twenty-five years. Of course, like all human affairs, certain suggestions have been made regarding a change of the constitution, so as to base it upon a representative plan, either in whole or in part. But notwithstanding the great agitation by men who have given it careful consideration, that measure has never gotten beyond a mere suggestion. If it will work for twenty-five years in the American Bar Association, and build up an association such as that is today, one which commands the respect of the legal profession, not only in this country, but in England and probably other countries, why would it not work well with a State bar association?

MR. POHLI: I have very attentively listened to the argument of Mr. Gibson, but I must say that if the suggestion is proper that we should try this plan for some time, the suggestion might also be proper that we should try the other plan for some time first. I think there is undoubtedly no comparison to be made between the influences, the jealousies, which arise in a large body like the American Bar Association, governing and deciding questions for the whole Union, the large questions which are there discussed not being of local interest, for instance, at Seattle or St. Paul, where a number of men joined the organization at the time of the annual meeting—there is no comparison between that, it seems to me, and the case of a State institution such as that which we now purpose forming. I have found, for instance, in Switzerland, from which country I came, that certain experiments have been made in governmental af-

fairs, and they would work very well. But I venture to say that if they were tried in the United States, with ninety million people, they would not work at all. I believe that experiments tried in reference to novel legislation which work very well in small communities, often prove not to work well in the larger communities, and vice versa. I speak now from a little personal knowledge, as I have called your attention to the fact this morning that I have had some little connection with the matter of gathering together the constituents of this organization, and from some letters and conversation which I have had from the outside sections, I can say to you that the great fear is, and that fear must, at the present time at least, be put down, and that danger, if it is in the constitution of this association, eradicated for the present, so that it could not be possible until the plan is tried that the majority of the country delegates cannot be overcome by the action of the local bar of a large city—the great fear is, I say, that some such thing as that will result. I think we ought to try the other plan first, and if it does not work, then we can revert to the one now proposed by the committee.

MR. GIBSON: In my opinion, this great fear that the gentleman speaks of exists only in the imagination of the city members. I cannot imagine any question of any importance that would come before an organization of this kind, upon which there could be any question of division between the city and the country, and it does seem to me that the thing we have to work for first in organizing this institution is strength, numerically and financially, and we cannot get it by any plan offered here, except the plan offered by the committee.

MR. WARING: So far as a democracy is concerned, Mr. Chairman, it seems to me that the plan that the committee offers is not a democratic scheme at all, that it does not give an equal chance to every locality. This association is going to be essentially a representative one, and we can't get away from it. If we got together all the lawyers in all the counties together we could have a democratic meeting, and every man could be present and sit up and vote. But when we meet in one city, and we know it is possible for a disproportionate vote to take place, I do not see how it is democratic in the largest sense. It does not give each one an equal chance. So far as anyone being disgruntled or displeased at not having a vote, I don't think that is true. I think if there were three delegates from our town and none from the next, on any particular proposition, I think I would go to the meeting and take as much interest really as if I had a vote; that those who are really interested in the State are not going to be deterred by the fact that they have not a vote, and that the representative plan is really the only plan, when you consider that our association is a representative association—it must be so. We have got to have the units represented in some proportionate way and the scheme of allowing any city in which the meeting happens to take place to have a great handicap, results in a disproportionate vote.

MR. M. K. HARRIS, of Fresno: Mr. Chairman, I want to disabuse the minds of the members of the idea that there is necessarily any antagonism between the country sections and the cities. At least, I speak for my part of the country. We never hear anything of the kind there, and, so far as our part of the State is concerned, we have

no fear of being gobbled up and swallowed by you people in San Francisco, or even Los Angeles, if we go down there. I take it that, judging from the discussion made here today, if anything of that kind is attempted, you will hear a mighty roar go up from those country districts and delegates. I want to endorse what has been said by Judge Gibson. We went over this very carefully, and I think it is the only practicable way. If we limit it to organizations, to bar associations in the several localities, I think we will almost die in the borning. We have had one in Fresno now a number of years, and there are numbers there that would like to go down, and still we have only three delegates to the association. If the constitution is adopted as has been proposed here by the committee, we would probably have ten or twelve. I am heartily in favor of allowing the plan to be tried, at any rate for one year, because we want numbers.

MR. GEORGE E. CHURCH, of Fresno: I want to echo what has been said by Judge Harris in regard to this matter. I cannot conceive, for the life of me, and I have listened with a great deal of attention to the objections and to what has been said here generally, of any possible reason why the membership of the State Bar Association should be limited, why we should want to form a sort of mutual admiration society, or anything of that kind. It should be enlarged just as much as possible, and the legal fraternity of the State should be induced to join to the largest possible extent, to give it character and influence. I have no patience with this idea of forming merely a small delegate body to be the bar association of the State of California. We are not a legislative body. This association, when it is formed, is not a legislative body. It does not adopt legislation at all. The chief object is not to legislate, for it cannot legislate. Its object is to elevate the profession of the law in its practice in this State, and it should be made just as comprehensive as the bar of the State, and not less so. I believe that this plan that has been carefully digested by this committee should be adopted as the plan of this association, and that without question. It is idle and nonsense to talk about any hostility or antagonism between the members of the bar, whether in cities or in the country districts. We are members of the same great profession, having common interests and common purposes and common objects. The very idea of the formation of this association tends in that direction. Years ago I helped, as one, to do something toward the organization of two or three bar associations of the State that have become obsolete and failed of their purpose. Leading men in the profession failed to do their duty then. They probably will fail to do their duty now—I hope not. I hope that the necessity of a bar association, a State bar association that will be a credit to the State of California, has so far sunk into legal consciousness of this State that it will become a permanent organization. But I should be sorry enough if we are to divide and split up now upon the small considerations that have been advanced. We cannot do better, in my judgment, than simply to adopt the method proposed by the committee. If it does not work, we will change it when the time comes. But in my judgment it will work, and as soon as it is organized and fairly started at work we will win and gain the co-operation of the bar generally throughout the State. Let us have it, and let us not delay long in getting it.

MR. LAW: Mr. Chairman, in addition to what has been already said in support of the committee's proposed plan, I have simply to say that I believe the plan as presented will eventually cause the organization of many county associations. It will be an educational work. The individual members of the bar of the various counties where they have one organization, becoming members of the State organization and participating in its proceedings, the interest will be stirred up, they will see the importance and the great benefit to be obtained, the great object in fact, and I think it will result in the formation of a bar association in practically every county in the State of California.

(Cries of "Question! Question!")

THE CHAIRMAN: Gentlemen, it may be fair for the chair to state that the substitute, if adopted, will vitally affect the entire report of the committee, and will practically necessitate the resubmission of the proposition to the committee, or the substitution of a different plan than the one presented by the committee, and that the delegates should vote with a knowledge of that fact. When the association is ready for the question, we should understand that it is a test vote between the two plans.

A DELEGATE: I do not thoroughly understand, Mr. Chairman, what the proposed substitute for the report of the committee is.

THE CHAIRMAN: If I may explain it as I understand it, the substitute is to deprive what we call members-at-large who are not delegates from constituent associations of the power to vote at the meetings of the association. That is the effect of it, is it not, Mr. Waring?

MR. WARING: Yes, that is one way of putting it.

THE CHAIRMAN: Under both plans they are eligible to membership. The difference between the plan as suggested by the report of the committee and the original tentative draft was that they had no vote in the tentative plan suggested and, according to the committee's report, they have.

MR. WARING: The proposition is that the constituent elements shall be interested equally in any meeting of the bar association, and that votes shall not be according to a haphazard meeting in any city; that is, that the members of the city generally shall not out-vote the country members.

THE CHAIRMAN: The question before the house, as I understand it, gentlemen, that there may be no mistake, arises in this wise: A motion was made to adopt the report of the committee, and then Mr. Waring, of Sacramento, moved a substitute.

(The motion was thereupon put, and the substitute declared rejected. The question was then put upon the adoption of the report of the committee, with the amendment of Mr. Hatfield, so far as the constitution was concerned, and the motion carried and the chairman declared the constitution as proposed and subject to Mr. Hatfield's amendment adopted.)

MR. BELCHER: Mr. Chairman, inasmuch as the constitution, after its adoption, requires as the first business the making of a permanent body, I will suggest, Mr. Chairman, that the by-laws will probably come before the popular body, and the first business, I take it, is the selection of a nominating committee.

MR. GIBSON: That is provided for in the by-laws.

MR. BELCHER: If that be so, I withdraw my suggestion.

MR. GIBSON: Mr. Chairman and gentlemen, I move the adoption of the by-laws as reported by the committee.

MR. WILLIAM R. DAVIS, of Oakland: As the by-laws were read, I understood them to say that the nominees for offices at an annual meeting should not be reported in by the committee of nominations until the day following the assemblage.

THE CHAIRMAN: Or at such other time as the association shall determine.

MR. DAVIS: I wish that might be read.

MR. GIBSON: I will say to Judge Davis that that is provided for in the proposed by-laws.

THE CHAIRMAN: The question is upon the adoption of the report of the committee and the adoption of the by-laws.

(The motion was seconded and unanimously prevailed.)

THE CHAIRMAN: Under the by-laws, the first business to be done after the adoption of the constitution is the election of a nominating committee.

MR. BELCHER: I move that we do now proceed to elect a nominating committee.

(The motion was duly seconded.)

THE CHAIRMAN: That committee consists of three, and is to be elected by a majority vote of the association.

(The motion was unanimously carried.)

THE CHAIRMAN: The chair awaits the pleasure of the convention with reference to nominations for the nominating committee.

MR. HARRIS: I place in nomination as a member of that committee Judge J. K. Law, of Merced.

MR. BELCHER: I place in nomination for a member of that committee Mr. Warren Olney, Jr., of this city.

MR. WRIGHT: I place in nomination Mr. Richard J. Dillon, of Los Angeles.

(Upon motion, the nominations were declared closed and Messrs. Law, Olney and Dillon were unanimously elected as a nominating committee, and that committee thereupon retired.)

THE CHAIRMAN: There are a few things under the by-laws as adopted to which we wish to invite the attention of the association. The first, and not the least important, gentlemen, is the question of finances. The by-laws provide as follows:

“Each constituent association, within thirty days after the organization of this association, shall pay to the treasurer, on his demand therefor, a per capita tax upon its membership, to be fixed for the first year at the organization meeting and thereafter at the annual meeting, upon recommendation of the finance committee.”

It will be incumbent upon this meeting of the association to fix a per capita tax for the coming year. The expenses of the association, gentlemen, are not very large. We have no finance committee, and we are open for a recommendation. I have no idea as to the number of members in the different constituent organizations, except, perhaps, the Los Angeles and San Francisco associations. Los Angeles has four hundred, I think, and San Francisco has nearly four hundred, but hopes to have five hundred by the 1st of January. How

many members are there in the bar association of Oakland, Mr. Davis?

MR. WM. R. DAVIS: I think about two hundred.

THE CHAIRMAN: The chair awaits the pleasure of the convention with reference to this per capita tax for the coming year from the constituent organizations. So long as they are not taxed too much it will be well.

A DELEGATE: Mr. Chairman, it seems to me as if, with the donation we shall have from the treasurer of the former association, in connection with our initiation fees, we ought to be able to get along without a per capita tax this year. We have nearly \$300 to start with.

THE CHAIRMAN: I am very much afraid that if we lean upon that alone that we may get into trouble.

MR. SMITH: I move, Mr. Chairman, that a per capita tax of \$1 be levied upon each bar association.

THE CHAIRMAN: I desire to avoid the appearance of undertaking to influence members of the association, so far as the per capita tax is concerned, but I think that is too much, Mr. Smith. I think 25 cents per capita will carry us through for the first year.

MR. SMITH: I accept that, and change my motion to be in accord with it.

MR. DENMAN: How about the first year of our organization, as to our needs in that respect? As we have no intervening meeting, there will be a great deal of correspondence necessary if we are to pull the threads of the organization together. This will require, if we are going to have postal card votes and similar matters, a very considerable sum of money. Those votes are expensive. It would seem to me that we cannot get along on a 25-cent tax, if we are going to do any considerable work during the year. It seems to me that we can well afford to have a more liberal sum than that. If the members of the association alone contribute 50 cents or 75 cents or a dollar to this cause, we believe they are going to take such an interest in it that they will not think it much. We ought to have that, if we do contemplate during the coming year taking up various matters that are to be taken up by postal card ballot.

THE CHAIRMAN: The postal card ballot is only probable in the event of a special session of the legislature. The next regular session of the legislature will be after the next annual meeting.

MR. DENMAN: How are we going to dispose of all of these questions that are to come before us at one annual meeting?

THE CHAIRMAN: We expect to dispose of a great many of them. The difficulty, Mr. Denman, is this, that we have not the constitutional power of forcing the local associations to contribute. The local associations will be called upon to ratify the action of this association, and, as president of the San Francisco Bar Association, I am somewhat familiar with its situation, and I have just had a chat with the president of the Los Angeles Bar Association, and we have both agreed that our respective associations can stand a 25-cent assessment.

MR. DENMAN: It seems to me that a thousand dollars would not be too large a sum for us to have, and we will probably have not nearly half that upon a 25-cent per capita tax.

THE CHAIRMAN: In addition to that we have our membership fees, and I feel satisfied that it will be enough to carry us through.

MR. HELM: The initiation fees of members, amounting to \$5 for each member, will bring us considerable—I think between \$500 and \$1000 within the next sixty days. Then there is the \$300 or so from constituent associations, and it would seem to me that that would more than pay our expenses during this coming year. As I believe that a per capita tax of 25 cents a member will be sufficient to meet all our expenses, I move as an amendment that the per capita tax be put at 25 cents for this year.

THE CHAIRMAN: Do you accept the amendment of Mr. Helm, of Los Angeles?

MR. SMITH: I had already accepted the suggestion as made by the chair. I accept Mr. Helm's amendment.

(The motion was duly seconded and unanimously carried.)

MR. HELM: Are we now under the head of "miscellaneous business," Mr. Chairman?

THE CHAIRMAN: Yes.

MR. HELM: Mr. Chairman and Gentlemen of the Association: I have, on behalf of the Los Angeles Bar Association, a resolution of the board of trustees of that association asking you to hold the next annual meeting of this association in the city of Los Angeles, as the guests of the Los Angeles Bar Association. We extend to you for that purpose a most cordial invitation. Under the by-laws, this association will at this time fix the place for the next annual meeting, and I trust that it will be your pleasure to meet with us at that time. We shall extend to you every courtesy, and I am sure that we shall hope to reciprocate the many kindnesses that we have received as guests of the San Francisco Bar Association. We invite all the members of the bar of California to come to visit us at that time.

THE CHAIRMAN: Gentlemen, you have heard the invitation of the Los Angeles delegation to meet there for our next annual meeting. What is your pleasure?

(It was moved and seconded that the invitation be accepted, and the motion carried unanimously.)

(Thereupon a short recess was taken to enable a photograph of the delegates present to be made.)

MR. OSCAR F. TRIPETT, of Los Angeles: Mr. Chairman, if I am in order, I now desire to offer the following resolution for adoption—I understand we are under the head of "miscellaneous business"?

THE CHAIRMAN: Yes.

MR. TRIPETT: The resolution reads:

"Resolved, That this association does now endorse Hon. Erskine M. Ross, of California, circuit judge, as a fit and proper person to fill the vacancy upon the bench of the supreme court of the United States; that his appointment to such position would be a meritorious promotion, and we recommend that the president appoint him to fill said vacancy."

MR. HATFIELD: Is it not required that the appointee shall be a resident of the circuit in which the vacancy occurs?

THE CHAIRMAN: No.

MR. HATFIELD: Then I second the resolution.

(The resolution was put to vote and unanimously passed.)

THE CHAIRMAN: The Virginia State Bar Association yesterday made a similar recommendation to the president of the United States. Judge Ross is a native of Virginia, and that State has taken the initiative, and it is an appropriate thing, in my judgment, for the bar association of this State, knowing and loving Judge Ross as we do, to pay him that respect.

Before we proceed to receive the report of the nominating committee, I desire to make a statement for the benefit of the delegates. The plan of organization as adopted by this association provides for the engrossment of the constitution and by-laws and the signature of each charter member of the association. It is impossible to engross this statement and have it signed by the visiting delegates while here. The secretary will take charge of that engrossment, and it will be sent to each delegation here represented for their signatures, and we will ask each delegation to have the kindness to return it as soon as possible, together with \$5 as the dues of each member.

Is the committee on nominations ready to report?

MR. LAW: The committee is ready to report and does report as follows:

Your committee on nominations respectfully submits the following names for officers of this association:

For president, Curtis H. Lindley, of San Francisco.

For vice-president, first district, M. K. Harris, of Fresno.

For vice-president, second district, Lynn Helm, of Los Angeles.

For vice-president, third district, F. W. Street, of Tuolumne.

For secretary, Ernest J. Mott, of San Francisco.

For treasurer, T. W. Robinson, of Los Angeles.

Respectfully submitted,

J. K. LAW,
WARREN OLNEY, JR.,
R. J. DILLON,
Committee.

Mr. Chairman, in connection with the nominations for president and secretary, the committee wishes to make this statement as the reason for selecting two officers from the City and County of San Francisco: We deemed it important, if not almost absolutely necessary, that the president and secretary should be in touch with each other, and should be near each other. Therefore, both of those nominations are of members from San Francisco.

MR. WM. R. DAVIS: Mr. Chairman, I move that the recommendations of this committee be adopted and that the gentlemen named be elected to the respective offices indicated as officers of this association for the coming year.

The motion was duly seconded.

MR. WM. R. DAVIS: If there is no objection, I will put the motion.

The motion was put and unanimously carried.

THE CHAIRMAN: I assure you, gentlemen of the bar and of this association, that I appreciate the compliment you pay me very, very highly. I realize that it means much work. Were it not for the assurance that I have from the members of the bar in dif-

ferent sections of this State that there is not only a great amount of work ahead, but that they are to join us in an effort to raise this association to its proper plane, I should hesitate at assuming the responsibility. I wish to assure you, gentlemen, so far as I am concerned, that I appreciate the compliment and will endeavor to merit the appointment, and to report at the next session at Los Angeles that something, at least, has been accomplished in a fair way toward the foundation of a great State bar association. (Applause.)

MR. WM. R. DAVIS: Mr. Chairman, if it is in order, I move that a rising vote of thanks be extended by the members of this meeting to the Bar Association of San Francisco and to its officers for the many courtesies and kindnesses which have been extended to us, both last evening and today.

MR. LAW: I would like to include in that motion a vote of thanks to the Bar Association of Los Angeles for the services rendered this association and the committee on constitution and by-laws in the preparation of a draft of constitution and by-laws submitted to us for consideration.

MR. WM. R. DAVIS: I heartily concur in the addition, and if there is no objection will now put the motion.

The motion was unanimously adopted by a rising vote.

THE CHAIRMAN: The next proceeding in order will be the selection of the different delegations of the members of the legislative council. The secretary will call the roll of delegates in that behalf. I would like to impress upon the members the importance of this council. The administrative officers will have to lean very heavily on that council, and I therefore trust that you will name representative members of the bar of your respective jurisdictions. Their names will mean much when we come to deal with the public and with the legislature. For this time, each delegation will be entitled to one member of the council. Under the by-laws, the president and three vice-presidents are ex-officio members of that council.

The roll was then called by the secretary, resulting in the selection of the following legislative council:

Alameda—R. M. Fitzgerald.

Alpine—O. K. Grau.

Amador—A. Caminetti.

Butte—A. F. Jones.

Calaveras—James Keith.

El Dorado—C. H. Swisler.

Fresno—Frank H. Short.

Glenn—Claude F. Purkitt.

Imperial—Geo. H. P. Shaw.

Los Angeles—James H. Shankland.

Madera—Francis A. Fee.

Merced—J. W. Knox.

Monterey—Fredk. P. Fellz.

Nevada—Fred Searls.

Placer—John M. Fulweller.

Sacramento—L. T. Hatfield.

San Francisco—Wm. Denman.

San Joaquin—F. D. Nicol.

San Mateo—Geo. C. Ross.

Santa Clara—Victor A. Scheiler.

Santa Cruz—H. C. Wyckoff.

Tehama—J. J. Wells.

Tuolumne—E. W. Holland.

Ventura—W. H. Barnes.

THE CHAIRMAN: Is there anything further to come before the association? If not, I wish to return my thanks for the third and last time, gentlemen, for your courtesy, your attention and your faithfulness in this, what I hope will be the historic organization of a permanent bar association in this State, and declare the association adjourned *sine die*.

CONSTITUTION

OF THE

California Bar Association

ARTICLE I.

Name and Object.

The name and title of the organization shall be:

CALIFORNIA BAR ASSOCIATION.

Its object shall be to cultivate and advance the science of jurisprudence; to promote reform in the law and in judicial procedure; to facilitate the administration of justice; to uphold and elevate the standard of honor, integrity and courtesy in the legal profession; to encourage legal education and to promote a spirit of cordiality and brotherhood among the members of the bar.

ARTICLE II.

Membership.

The members of this Association shall consist of:

1. Such members of county, city, or city and county bar associations, hereinafter called "Constituent Associations", as may be selected by such organizations, as hereinafter provided in Article III. Such members to be denominated delegate-members.

2. All members of the Bar of the State of California in good standing, including Judges of the State Courts of record, and Judges of the Federal Courts sitting in this state, who shall have been elected to membership as provided in the By-Laws. Such members to be denominated members-at-large, and to pay such dues as may be prescribed by the By-Laws. Provided that no incumbent of the bench shall be elected to an office in this Association or be qualified to serve upon any of the Sections or Standing Committees.

ARTICLE III.

Constituent Associations.

All county, city, and city and county bar associations in this state which have been, or which hereafter may become organized shall be entitled to representation in this association by delegates elected or appointed, as said constituent associations may determine. The basis of representation shall be three delegates, and one additional delegate for every forty members in excess of fifty. Delegates from the constituent associations, who shall be known as delegate members, shall be elected or appointed at least thirty days prior to the convening of the association in annual meeting, and

shall hold office for one year from the date of their election or appointment.

Such delegates and members-at-large when assembled shall, with the officers elected or appointed, constitute the association, and shall consider and determine all matters of policy and administration other than those which, between sessions, are specially confided to the Legislative Council, Sections and Standing Committees, as hereinafter provided.

ARTICLE IV.

Officers.

The officers of this Association shall consist of:

1. President.
2. Three Vice-Presidents to be chosen, one from each Appellate District of this State.
3. Secretary.
4. Treasurer.
5. Legislative Council.

Of these, the President, the three Vice-Presidents, the Secretary and the Treasurer shall be elected at the annual meeting of the Association, and shall hold office for one year, and until the election and qualification of their respective successors. The same person shall not be elected President two years in succession. The Legislative Council shall consist of the President, the three Vice-Presidents, one member from each county, and one additional member for each one hundred members of this Association residing in such county, to be selected by the delegates and members from such respective county at the annual meeting; also such further number to be apportioned from time to time among the Constituent Associations as may be determined by the Association at its annual meetings, to be selected in the same manner.

Members of the Legislative Council shall hold office for a period of one year and until their successors are elected and qualified.

The duties of the respective officers, including the Legislative Council, shall be as prescribed by the By-Laws.

ARTICLE V.

Sections.

In order to systematize the work of this Association, there shall be formed sections, each of which shall be devoted to one of the recognized branches into which matters pertaining to the profession and practice of the law, may, for convenience, be divided. The number and designation of such sections and the membership thereof shall be as provided in the By-Laws. New sections may from time to time be created or existing sections discontinued by order of the Executive Committee. Members of the sections shall be appointed by the President.

ARTICLE VI.

Sessions.

The Association shall hold an annual session on such day in November as may be determined in each year by the Executive

Committee. The place of meeting each year shall be fixed by vote of the Association at the preceding annual meeting. Special meetings of the Association may be convened upon the unanimous request of the Executive Committee or a majority of the Legislative Council.

ARTICLE VII.

Amendments.

This Constitution may be amended at any annual meeting by a two-thirds vote of those present upon the recommendation of the Executive Committee.

BY-LAWS

OF THE

California Bar Association

ARTICLE I.

Duties of Officers.

SECTION 1. *President and Vice-Presidents:* The President shall preside at all meetings of the Association. He shall be ex-officio a member of the Legislative Council, Chairman of the Executive Committee, and a member of all Sections, Standing and Special Committees. Unless otherwise provided by a vote of the Association, he shall appoint all Sections and Committees and fill vacancies therein. He shall open each annual meeting with an address upon some subject of general professional interest, and shall perform such other acts as may be required of him by the Constitution or By-Laws of the Association.

The Vice-Presidents shall be members of the Legislative Council, and in the absence or inability of the President, one of them, to be selected by themselves, shall perform all the duties of the President.

SEC. 2. *Secretary:* The Secretary shall attend the meetings of the Association and of the Legislative Council. He shall make a record of the proceedings of such meetings, prepare and supervise the publication and distribution of such proceedings and papers as may be ordered published by the Association or the Executive Committee, and perform such other duties as may be required of him by the Constitution and By-Laws of the Association.

SEC. 3. *Treasurer:* The Treasurer shall collect, receive and hold all moneys belonging to the Association, and shall disburse it only on the written order of the Chairman or Acting Chairman of the Finance Committee. He shall make a report of the transactions of his office at the annual meeting of the Association.

SEC. 4. *Legislative Council:* When the Association is not in session the Legislative Council shall have the power to receive the reports and recommendations of the Executive Committee and act upon the same. *Provided*, that no action of said Council shall be deemed to be the act of this Association unless concurred in by a majority of all the members of said Council. Nor shall said Council have the power to endorse or recommend any legislation or legislative action of any kind unless the subject matter of the measure be first printed or typewritten and mailed to each member of said Council, and a United States mail vote taken thereon. The expression of a majority of said members by such vote so taken shall be deemed to be the action of this Association. *Provided, further*, that any proposal involving the amendment of the Constitution or laws of the state or the indorsement or recommendation of any legislation shall, after having been approved by the Legislative Council, be submitted by United States mail vote to all the members of the Association, and the result of such vote shall be deemed the action of the Association.

Upon the selection of the members of said Council, said Council shall organize. The Chairman shall have the authority to convene meetings of said Council if deemed necessary, and all questions to be submitted by United States mail vote, shall be certified by him. Said Council may appoint such Committees of its own members as may be necessary to transact its business.

ARTICLE II.

Sections.

SECTION 1. The following Sections, consisting of five (5) members each, shall be annually appointed by the President for the year ensuing:

- Section A—Constitutional Amendments.
- Section B—Criminal Law and Procedure.
- Section C—Civil Procedure—Pleading and Practice.
- Section D—Amendments to Substantive Law.
- Section E—Law Relative to Trusts and Corporations.
- Section F—Legal Ethics.
- Section G—Courts and Judicial Officers.
- Section H—Uniformity of State Laws.
- Section I—Legal Education and Admission to the Bar.

Said Sections shall from time to time report to the Executive Committee the result of their action in the matter of proposed legislation. Upon receiving said reports, said Executive Committee shall present the same to the Legislative Council, with their recommendations thereon; or said Executive Committee may, should it deem it expedient, submit such reports and recommendations to a United States mail vote of the members, as provided in Article I of these By-Laws.

When the report of a Section recommends the enactment of new or remedial legislation the Section shall prepare and present with said report the full text of such proposed legislative acts.

Any member of the Association may, at any time, by communi-

cation in writing addressed to the President, propose new or remedial legislation. Upon receipt of such communication the President shall immediately refer the same to the appropriate Section for their action and report.

All resolutions and proposals to amend the laws of the state, or suggesting new legislation on any branch of the law, made during the annual session of the Association, shall be forthwith referred to the appropriate Section without debate. *Provided*, that by majority vote of those present, such proposal may be referred to a special section. But no debate shall be allowed on the merits of the proposed measure.

ARTICLE III.

Standing Committees.

SECTION 1. The following Standing Committees shall be appointed by the President, each Committee to consist of five members in addition to the ex-officio members, and shall serve for two ensuing years:

1. Finance Committee.
2. Executive Committee.
3. Grievance Committee.
4. Committee on Admission.
5. Committee on Constituent Associations.
6. Committee on Legal Biography.

SEC. 2. *Finance Committee*: It shall be the duty of the Finance Committee to take charge of the fiscal affairs of the Association; make such recommendations to the Association from time to time as to the volume of revenue required, and as to methods of providing funds, and through its Chairman or Acting Chairman, to audit all bills and draw warrants therefor on the Treasurer.

SEC. 3. *Executive Committee*: The Executive Committee shall have general charge of the affairs of the Association when it is not in session. It shall receive and act upon the reports of the Sections and Standing Committees, and take such action thereon as prescribed by these By-Laws. It shall appoint from the members such representatives to the American Bar Association as this Association may be entitled to; select some person to make an address at the next annual meeting, and designate not exceeding five members of the Association to read papers at such meeting—the subjects of such papers to be approved by said Committee.

When the Legislature is in session it shall be the duty of the Executive Committee to take notice of all bills and constitutional amendments when offered in either house, and to invite the attention of the Legislative Council to such measures as may be deemed of importance.

SEC. 4. *Grievance Committee*: It shall be the duty of the Committee on Grievances to hear all complaints against members of the Association and also all complaints which may be made in matters affecting the interests of the legal profession, the practice of law and the administration of justice, and to report thereon to

the Association, with such recommendations as they may deem advisable; and in behalf of the Association institute and carry on such proceedings against offenders and to such extent as the Association may order.

Whenever any complaint shall be preferred against a member of the Association for misconduct in his relations to the Association, or in his profession, the person or persons preferring such complaint shall present it in writing to the Committee on Grievances, subscribed and verified by the complaining party, plainly stating the matter complained of. If the committee are of opinion that the matters therein alleged are of sufficient importance, they shall cause a copy of the complaint, together with a notice of not less than five days of the time and place when the committee will meet for the consideration thereof, to be served upon the member complained of, either personally or by leaving the same at his place of business during office hours, properly addressed to him; and they shall cause a similar notice to be served on the party presenting the complaint. At the time and place appointed, or at such other time as may be named by the committee, the member complained of may file a written answer or defense, and the committee shall proceed to the consideration of the case upon such complaint and answer, or upon the complaint alone if no answer is interposed.

The complainant and the member complained of shall each be allowed to appear personally and by counsel. The witnesses shall vouch for the truth of the statements on their word of honor. The committee may summon witnesses and if such witnesses are members of the Association a neglect or refusal to appear may be reported to the Association for its action.

The committee, of whom at least three must be present at the trial, except that a less number may adjourn from time to time, shall hear and decide the case thus submitted to them and shall determine all questions of evidence.

If they find the complaint, or any material part of it, to be true, they shall so report to the Association, with their recommendations as to the action thereon, and, if requested by either party, may in their discretion, also report the evidence taken or any designated part thereof.

The Association thereupon shall proceed to take such action on said report as they may see fit, provided only that no member shall be expelled unless by the vote of two-thirds of the members present and voting.

Whenever specific charges of fraud or unprofessional conduct shall be made in writing to the Committee on Grievances against a member of the Bar, or against a person pretending to be an attorney or counsellor-at-law practicing in this State, said charges shall be investigated by the Committee on Grievances; and if, in any such case, said committee shall report in writing to the Executive Committee that, in its opinion, the case is such as requires further investigation or prosecution in the courts, the Executive Committee may appoint one or more members of the Association to act as prosecutor, whose duty it shall be to conduct the further investigation or prosecution of such offender, under the instructions and control of the Committee on Grievances.

The reasonable disbursements of the Committee on Grievances for expense incurred in any such investigation or prosecution may be paid out of the funds of the Association under the direction of the Executive Committee.

It shall be the duty of any member or members of this Association, upon the request of the Chairman of the Executive Committee, or the Chairman of the Committee on Grievances, to prosecute any case of professional misconduct occurring in his or their county, without compensation, though his or their expenses shall be paid by the Treasurer of the Association.

SEC. 5. *Committee on Admissions:* All applications for membership in the Association shall be in writing, signed by the applicant with his full name and address to the Committee on Admissions. The applicant shall be endorsed by at least two members of the Association not members of the Committee and by one member of the Executive Committee.

If the application be presented at a meeting of the Committee, the vote thereon shall be by ballot and every member present shall be required to vote. Two negative votes shall be sufficient to reject the applicant.

If the application be presented at any other time the same shall be transmitted by the Chairman of the Committee to the members, who shall endorse thereon their approval or rejection. The affirmative action of at least three members of the committee shall be necessary to elect. Two negative votes shall be sufficient to reject.

No member of the committee shall disclose to any person the discussions, statements or votes of any member thereof upon any application for membership; nor shall the committee's decision upon any such application be made to any person other than the applicant.

SEC. 6. *Committee on Constituent Associations:* It shall be the duty of the Committee on Constituent Associations to aid and assist in the formation of Constituent Associations, and to prepare a form of Constitution and By-Laws to govern said Associations, which shall harmonize with the Constitution and By-Laws of the State Association.

SEC. 7. *Committee on Legal Biography:* Upon the death of any member of this Association, it shall be the duty of the Committee on Legal Biography to prepare and present at the next succeeding annual meeting a brief summary of the life and attainments of such deceased member, with such an account of his career and services to the profession as circumstances may justify. Such summary shall be printed and bound with the proceedings of the meeting.

SEC. 8. *Reception Committee:* The President may, if he deems it expedient, at least thirty days prior to the convening of the Association, appoint a special Committee on Reception, whose duty it shall be to arrange for the reception and entertainment of the members and their guests at such meeting. *Provided, however,* that at the request of the Constituent Association of the city or

county where the meeting is to be held, the appointment of such committee may be dispensed with and the arrangements for the meeting may be entrusted to such Constituent Association.

ARTICLE IV.

Nominating Committee.

Immediately upon the adoption of the Constitution and By-Laws of this Association and thereafter on the first day of each succeeding annual meeting in each year, the members present shall by majority vote, choose a Nominating Committee of three, none of whom shall be an elective officer. Said Nominating Committee shall make its nominations and present them to the Association on the day following, or at such other time as the Association shall direct. Upon the submission of the list of recommendations so made other nominations may be made by any member. The election of officers for the ensuing year shall take place on the last day of the session, as provided in the "Order of Business", Article X of these By-Laws.

ARTICLE V.

Dues.

Each Constituent Association within thirty days after the organization of this Association shall pay to the Treasurer on his demand therefor a per capita tax upon its membership to be fixed for the first year at the organization meeting and thereafter at the annual meeting upon recommendation of the Finance Committee.

Members shall pay five dollars per annum, payable for the first year at the time of their election. Thereafter each year in advance on or before November first of each year.

ARTICLE VI.

Addresses and Papers.

The annual address of the President shall be made on the first day of the annual meeting immediately after the Association is called to order.

The address of the person to be invited by the Executive Committee shall be made at the morning session of the second day, and the reading of papers or essays shall be on the same day or at such other time as the Executive Committee may determine.

ARTICLE VII.

Publication of Annual Reports, Addresses and Papers.

All papers read before the Association shall be lodged with the Secretary. The annual address of the President, the reports of Sections and Committees and all proceedings at the annual meetings shall be published in the annual reports of the Association; but no other address made or paper read or presented shall be

published, except by order of the Executive Committee or of the Association. Such reports and addresses shall be published by the Secretary under the direction of the Executive Committee and a copy thereof delivered or sent to each member of the Association.

ARTICLE VIII.

Quorum.

At all meetings of the Association twenty-five members shall constitute a quorum.

A quorum of a Section or Committee shall be three members.

ARTICLE IX.

Order of Business.

At each meeting of the Association the order of business shall be as follows:

First—Call to Order.

Second—Annual Address of the President.

Third—Selection of Nominating Committee.

Fourth—Report of Legislative Council. Report of Secretary and Treasurer.

Fifth—Report of Executive Committee.

Sixth—Report of Sections in Order Enumerated in the By-Laws.

Seventh—Report of Standing Committees in Order Enumerated in the By-Laws.

Eighth—Report of Special Committees.

Ninth—Amendment to Constitution and By-Laws.

Tenth—Miscellaneous Business.

Eleventh—Election of Officers.

ARTICLE X.

Limitation of Debate.

No member shall be permitted to speak more than twice on any subject and in debate no speech shall exceed ten minutes in length.

ARTICLE XI.

Amendment of By-Laws.

These By-Laws may be amended at any time by a vote of a majority of the members present and voting at any annual meeting.



ARTICLE XII.

Organization Members.

All members participating in the organization of this Association and who sign the Constitution and By-Laws shall be deemed members of the Association, and be entitled to all the privileges and subject to all the limitations provided for in the Constitution and By-Laws; each signatory designating after his name whether he signs as a delegate or member-at-large.

